THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22831 OF 2005

DATED:24.10.2005

Between:

V. Darshan

…Petitioner

And

The Sarpanch

Peerjadiguda Gram Panchayat (Village)

Uppal (Post), Ghatkesar Mandal

Ranga Reddy District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22831 OF 2005

ORDER:

The petitioner claims to be owner and possessor of house No.11-112, admeasuring 128 Sq.yards situated at Pheerjadiguda in Ghatkesar Mandal, Ranga Reddy District. He alleges that the property admeasuring 260 Sq.yards originally belong to his father, Chandraiah, who gave 128 Sq.yards to petitioner and balance of 132 Sq.yards to his brother. The petitioner allegedly obtained permission from the Gram Panchayat and constructed the house. When his brother interfered with the possession, he filed a suit being O.S.No.2338 of 2005 on the file of the Court of the Additional Junior Civil Judge, Ranga Reddy District, and obtained ad interim injunction order. He alleges that so as to safeguard the property when he was constructing the house, the respondents raised objections and are threatening to

demolish the partly constructed compound wall.

The learned counsel for the petitioner submits that the petitioner has already obtained construction permission and raised structures and therefore the Gram Panchayat cannot have any objection if the petitioner constructs compound wall to protect his property. **Per contra,** learned Standing Counsel for Peerjadiguda Gram Panchayat Sri R.Prem Sagar, after getting instructions, submits that the petitioner encroached upon Gram Panchayat land and therefore he cannot raise any construction on the said land. It is also brought to the notice of this Court that the petitioner has not obtained building permission for construction of compound wall.

There is a dispute as to the title of the property/land. The petitioner has already approached Civil Court and therefore nothing prevents the petitioner to obtain appropriate orders from the Civil Court after impleading the Gram Panchayat and duly producing necessary evidence of his title. As the petitioner has already approached the Civil Court, this Court is not inclined to interfere in the matter. However, it must be observed that if the Gram Panchayat desires to take any action against the petitioner for encroachment, they may do so in accordance with law.

The Writ Petition with the above observations is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

24.10.2005

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